

Remarks:

Applicant has carefully studied the non-final Office Action mailed 11/21/2003, having a shortened statutory period for response set to expire 02/21/2004. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

Election/Restrictions

1. No response is needed to the Office's acknowledgement of the election made herein.
2. Applicant acknowledges that claims 4-9 stand withdrawn from consideration.

Double Patenting

3. Applicant acknowledges the Office's explanation of the non-statutory double patenting rejection.

4. Claims 1-3 stand rejected under the judicially-created doctrine of obviousness-type double patenting over claim 1 of U.S. patent No. 6,401,488. This rejection as it relates to claims 1 and 2 is met by a Terminal Disclaimer filed herewith. Claim 3 is amended and as amended said claim 3 is patentably distinct from the claims of U.S. patent No. 6,401,488.

Claim Rejections – 35 USC § 102

5. Applicant acknowledges the quotation of 35 U.S.C. § 102(b).
6. Claims 3 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miller et al. (hereinafter referred to as "Miller"). Reconsideration and withdrawal of this ground of rejection is requested because in a first embodiment (Fig. 7) the Miller disclosure includes molded plastic links to which alphanumeric characters are attached. The dotted lines drawn on the letters A and B in said figure indicate that the molded plastic links are the same links that are depicted in Fig. 2. Therefore it may be concluded that the alphanumeric characters are merely adhered to the molded plastic links or, as disclosed by Miller, "structurally integrated" therewith (col. 4, line 59). In the Fig. 8 embodiment, socket 48 is "recessed within the body proper of the alpha-numeric character." (col. 5, lines 15-16).

Applicant's structure is patentably distinct from both of said embodiments of Miller because Applicant's structure includes a uniform diameter truncate neck protruding from

opposite sides of each alphanumeric character, where a first uniform diameter truncate neck terminates in a ball and a second uniform diameter truncate neck terminates in a spherical member having a socket formed therein. This saves materials relative to the Miller structure. Moreover, it creates the visual appearance of alphanumeric characters depending from a straight line, i.e., only the top of each character is apparently attached to the line so that the bulk of each character is positioned below said line as if hanging or depending therefrom. This is in sharp and distinct contrast to the alphanumeric characters of the Fig. 7 embodiment of Miller where said alphanumeric characters are superimposed, mid-height of each character, on a non-uniform diameter molded plastic link. This is also in sharp and distinct contrast to the recessed or embedded structure of the Fig. 8 embodiment of Miller.

Note in Fig. 7 of Miller how the presence of the curvilinear molded plastic bead directly behind each alphanumeric character detracts from the alphanumeric character itself. In other words, the background (the molded plastic bead) is as prominent as the alphanumeric character. Moreover, the undulations of the molded plastic beads creates a visually-cluttered necklace or bracelet when all of the alphanumeric characters have been assembled to one another. In contrast, Applicant's truncate necks of uniform diameter do not dominate the alphanumeric character but lie unobtrusively in the background, not forming a major part of the word being formed by the alphanumeric characters. The straight, uniform diameter truncate necks, now claimed, do not provide visual clutter that competes with the alphanumeric characters for a viewer's attention.

Claim Rejections – 35 USC § 103

7. Applicant acknowledges the quotation of 35 U.S.C. § 103(a).

8. Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Faris. Reconsideration and withdrawal of this ground of rejection is requested because claims 1 and 2, as determined by the Office, are not patentably distinct from the allowed claims of U.S. patent No. 6,401,488 and said allowed claims were allowed over Faris.

Claim 1 recites that only the spherical body and the elongate flexible neck are visible to a user because a ball formed on the distal free end of the elongate flexible neck is fully received within a socket formed within the spherical body. This is neither taught nor suggested by the Faris structure where connectors ("ferrules") 12 and 14 are both visible when the Faris structure is in use. Nor are ferrules 12 and 14 formed integrally with elongate flexible loop 10. In

comparing Figs. 6 and 7 of Faris with one another, it will also be observed that both ferrules are crimped radially inwardly to engage their respective ends of elongate flexible loop 10. This teaches away from an elongate flexible neck having a spherical body formed integrally with a first end thereof where a socket is formed in said spherical body and a ball is formed integrally with a second end thereof and is disposed out-of-sight within said socket. Reduced neck groove 36 in ferrule 12 and the cooperating O-ring 26 in ferrule 14 further teach away from Applicant's structure as claimed.

Conclusion

9. Applicant agrees that the prior art made of record and not cited is not more pertinent to the invention than the art cited.

If a Notice of Allowance cannot be entered at this time for any reason, a telephone call to the undersigned at (727) 507-8558 is requested. Applicant thanks the Office for its careful and astute examination of this important patent application.

Very respectfully,

SMITH & HOPEN

By: 

Dated: February 20, 2004

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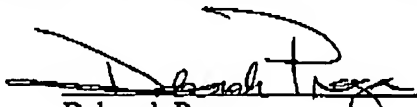
pc: Mr. Michael G. Cousin

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Claims, Remarks, and a Terminal Disclaimer is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3677, Attn: Mr. Dinesh Melwani, (703) 872-9326 on February 20, 2004.

Dated: February 20, 2004


Deborah Preza